

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

EDWARD BANKS,

Plaintiff,

- against -

MCGLYNN, HAYS & CO., INC., et al.,

Defendants.

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #: _____
DATE FILED: 6/23/2022

X

19-CV-5727 (JPO) (RWL)

21-CV-0679 (JPO) (RWL)

ORDER

X

ROBERT W. LEHRBURGER, United States Magistrate Judge.

This order resolves Plaintiff's motion for a protective order at Dkt. 33 in 21-CV-0679 ("the 679 action"). With respect to documents, the motion is denied as moot in light of the Court's order issued on June 22, 2022 terminating Defendants' motion to compel. With respect to the deposition of Plaintiff regarding the 679 claims, the motion is denied without prejudice. The parties must first meet and confer about the issue no later than June 29, 2022. During the meet and confer, defense counsel must be prepared to explain why the defense should be permitted an additional deposition of Plaintiff given: (1) before the third deposition of Plaintiff on May 7, 2021, defense counsel had the 679 complaint; and (2) on March 28, 2021 Plaintiff's counsel made the following request: "If Defendants intend to question Plaintiff regarding these medical records, then Plaintiff respectfully requests that Defendants do so during Plaintiff's [rescheduled May 7th] deposition. Plaintiff does not agree to come back to be deposed for a 4th day for that."

If the parties cannot resolve the issue through meet and confer, Plaintiff may renew his motion by filing a letter requesting to do so, and Defendant will be required to provide a response within a week.

SO ORDERED.



ROBERT W. LEHRBURGER
UNITED STATES MAGISTRATE JUDGE

Dated: June 23, 2022
New York, New York

Copies transmitted this date to all counsel of record.